



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE APPLICATION OF : Randal W. Eveland et al.  
FOR : SELF-CONTAINED BIOLOGICAL INDICATOR  
SERIAL NO. : 10/620,824  
FILED : July 16, 2003  
EXAMINER : Unknown  
ART UNIT : Unknown  
ATTORNEY DOCKET NO. : ST8622US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

This Information Disclosure Statement has been filed pursuant to the waiver issued by the U.S. Patent and Trademark Office on July 11, 2003, wherein the Office waived the requirement under 37 CFR 1.98(a)(2)(i) for submitting copies of each cited U.S. patent and each U.S. patent application publication, for all U.S. national patent applications *filed after June 30, 2003* and for all international applications that have *entered the national stage* under 35 USC § 371 *after June 30, 2003*.

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached form PTO-1449. The required copy of each document is enclosed *except for* documents previously cited by or submitted to the Office in a prior application(s) relied upon for an earlier filing date under 35 U.S.C. 120, said prior application(s) identified below:

**Serial No.**

**Filing Date**

2. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

3. Pursuant to 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited in this Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

4. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- ☐ Copy of each English language version of a search report by a foreign patent office in a counterpart foreign application, indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents."
- ☐ English-language abstract.

(X) 5. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed:

☐ concurrently with the filing of the national application; or

(X) within 3 months of the filing date of a national application; or

☐ within 3 months of the date of the entry of the national stage as set forth in 37 CFR 1.491 in an international application; or

☐ before the mailing date of a first Office Action on the merits.

{NOTE: Statements filed within the foregoing periods require neither a fee nor a Certification}

☐ 6. Pursuant to 37 C.F.R. 1.97(c) this Statement is being filed *after* the mailing date of a first Office Action on the merits but *before* the mailing date of either: a Final Office Action under 37 C.F.R. 1.113 or a Notice of Allowance under 37 C.F.R. 1.311, whichever occurs first. Accordingly, this Statement is accompanied by:

☐ Certification as specified in 37 C.F.R. 1.97(e); OR

☐ The submission fee set forth in 37 C.F.R. 1.17(p). Enclosed is Form PTO-2038 authorizing the amount of \$180 to be charged to our credit card to cover the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement.

☐ 7. Pursuant to 37 C.F.R. 1.97(d) this Statement is being filed *after* the period specified in 37 C.F.R. 1.97(c), but *before or concurrent with* payment of the Issue Fee. Accordingly, this Statement is accompanied by:

A. Certification as specified in 37 C.F.R. 1.97(e); AND

B. The submission fee set forth in 37 C.F.R. 1.17(p). Enclosed is Form PTO-2038 authorizing the amount of \$180 to be charged to our credit card to cover the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement.

- () 8. Statement filed *after* payment of Issue Fee, but *before* patent grant:

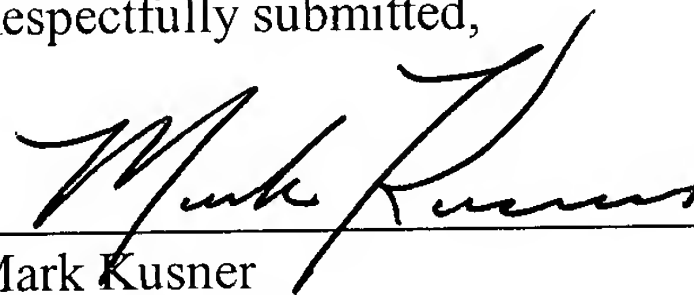
This Statement is being filed *after* payment of the Issue Fee, but *before* grant of the patent; accordingly it is understood that this Statement will *not* be considered. However, it is respectfully requested that this Information Disclosure Statement be placed in the application file. {NOTE: no fees or certification required}

- () 9. CERTIFICATION under 37 C.F.R. 1.97 (e) (if applicable):

- () The undersigned hereby certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Information Disclosure Statement, **OR**
- () The undersigned hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Information Disclosure Statement.

The Commissioner is hereby authorized to charge any additional fees required for consideration of this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0537, identifying our Docket No. ST8622US.

Respectfully submitted,



Mark Kusner

Registration No. 31,115

Date: October 3, 2003

Mark Kusner Co., LPA  
Highland Place – Suite 310  
6151 Wilson Mills Road  
Highland Heights, Ohio 44143  
Telephone: (440) 684-1090  
Facsimile: (440) 684-1095

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 3, 2003



Christine Goellner



Form PTO-1449  
Attorney Docket: ST8622US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INFORMATION DISCLOSURE CITATION**

In re application of: Randal W. Eveland et al.

Serial No: 10/620,824

Group No.: Unknown

Filed: July 16, 2003

Examiner: Unknown

For: SELF-CONTAINED BIOLOGICAL INDICATOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**U.S. Patent Documents**

<b>Examiner Initials</b>	<b>Document Number</b>	<b>Date</b>	<b>Name</b>	<b>Class</b>
_____	4,914,034	April 3, 1990	Welsch et al.	435/296
_____	5,139,957	August 18, 1992	Grack	436/135
_____	5,516,648	May 14, 1996	Malchesky et al.	435/31
_____	5,736,355	April 7, 1998	Dyke et al.	435/31
_____	5,770,393	June 23, 1998	Dalmasso et al.	435/31
_____	5,801,010	September 1, 1998	Falkowski et al.	435/31

Examiner:

Date Considered:

\_\_\_\_\_  
\_\_\_\_\_  
\*\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.